IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2930 OF 2004

Stany Caterers & another …Petitioners

Versus

The Executive Engineer, IT (MIDC) & Ors. ... Respondents

Mr. M.M. Shetty for the petitioners

Mr. Prashant Chavan instructed by M/s. Little & Co. for respondent Nos.1 and 2

Mr. D.A. Dubey for respondent No.3

Mr. R. Mane, Assistant Government Pleader, for respondent No.4

CORAM: DALVEER BHANDARI, C.J., &

S.J.VAZIFDAR, J.

DATE: OCTOBER 19, 2005.

P.C.

The Executive Engineer, Maharashtra Industrial Development Corporation, respondent No.1, issued Tender Notice, inviting offers for allotment of shops/canteen in Santacruz Electronics Export Processing Zone ("SEEPZ", for short). The petitioners gave offer of Rs.45,00,000/- for allotment of the canteen. On 27th January, 2004, the petitioners were informed that their offer has been accepted.

2. The case of the petitioners is that on 26th February, 2004, they deposited the entire amount and on 26th March, 2004, the possession of the canteen was given to the petitioners. Respondent No.1 also approved the interim plan of the canteen, subject to the permission of respondent No.3 viz., the Development Commissioner, SEEPZ.

3. The petitioners have paid Rs.45,00,000/- for allotment of canteen at SEEPZ. The petitioners further submitted that they have borrowed money from Oriental Bank of Commerce at 14% interest and paid Rs.45,00,000/- to respondent No.2 for allotment of the canteen. The learned counsel for respondent No.2 submits that for security reason, the basement cannot be allowed to the petitioners and he had instructions that

respondent No.2 shall refund to the petitioners the entire amount with 14% interest from the date of receipt of the amount till the amount is paid to the petitioners. The learned counsel submits that this amount can be paid within two weeks from today. The learned counsel for the petitioners submits that the petitioners have no objection in accepting this amount, but they may be permitted to agitate their rights and contentions by appropriate proceedings against the respondents for damages. We order accordingly.

4. No further directions are necessary in this petition. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J.VAZIFDAR, J.